MR. CHAIRMAN : The question is—

" That rule 23 (1) of the Madras Council Rules be suspended and this House do resolve to transact Government Business on Saturday, the 8th March 1958."

The motion was put and carried.

IV.—GOVERNMENT BILLS.

(1) THE MADRAS ANIMAL PRESERVATION BILL, 1958.

THE HON. SRI M. BHAKTAVATSALAM : Sir, I beg leave to introduce the Madras Animal Preservation Bill, 1958.

MR. CHAIRMAN : The question is—

" That leave be granted for the introduction of the Madras Animal Preservation Bill, 1958."

The motion was put and carried and leave was granted.

THE HON. SRI M. BHAKTAVATSALAM : Sir, I introduce the Bill.

(2) THE MADRAS BHOODAN YAGNA BILL, 1957 (L.A. BILL NO. 15 OF 1957).

* THE HON. SRI M. BHAKTAVATSALAM : Mr. Chairman, Sir, I beg to move—

" That the Madras Bhodan Yagna Bill[a], 1957 (L.A. Bill No. 15 of 1957), as passed by the Legislative Assembly, be taken into consideration."

Sir, the Joint Select Committee, after a careful scrutiny of the various clauses of the Bill, suggested certain changes in the Bill. The Legislative Assembly accepted the changes and in addition, made two changes.

I shall briefly indicate the main changes.

The Preamble has been amplified so as to include the provisions relating to the Gramdan villages and Gramdan lands within the purview of the Bill.

In the definition under clause 2 of the Bill, new definitions for Gramdan lands, Gramdan village and Sarvodaya Panchayat have been added. The definition relating to " landless poor person " has been amplified to be more specific.

In the definition of " Gramdan village " occurring in clause 2 (e) of the Bill, for the words " one or more persons ", the words " not less than two-thirds of the number of persons owning lands ", and for the words " two-thirds ", the words " one-half " were substituted in the Assembly.

* Printed as Appendix on pages 383–394 infra.

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The Committee decided to recast sub-clause (1) of clause 4 of the Bill so as to provide that the State Board shall consist of a Chairman and ten or more but not exceeding fourteen other members, to be appointed by the Government in consultation with Sri Acharya Vinobha Bhave or a person nominated by him in this behalf. Consequently, sub-clause (2) of clause 4 of the Bill has been omitted. Just as there is a provision for consulting Sri Acharya Vinobha Bhave for the constitution of the State Board, the Committee considered that even for dissolving the Board, Sri Acharya Vinobha Bhave should be consulted. Provision has accordingly been made in clause 10 of the Bill.

Clause 11 of the Bill has been amplified so as to vest all lands donated for Bhoodan Yagna in the State Board, whether donated before or after the commencement of the Act. It was also decided to omit sub-clause (2) of clause 11 of the Bill.

The Committee decided to increase the strength of Local Committee under sub-clause (1) of clause 15 from three to five members.

As the period of three months fixed for the filing of objections under clause 17 (2) of the Bill was considered to be too long, the Committee has suggested that a period of two months will be sufficient. Clause 17 (2) has been accordingly amended.

The Committee decided to include a provision in the Bill to the effect that, as far as possible, the wishes of the donor should be taken into consideration in the distribution of lands. It also decided that the approval of the Government was not necessary for distribution of lands. Clause 19 (1) has been suitably amended and old sub-clause (2) of clause 19 has been omitted. The Committee desired that three months, instead of six months, would be sufficient for instituting civil suits under clause 23. The clause has been amended accordingly.

The original Bill did not contain any provision about Gramdan lands. As the Committee desired to include in the Bill provisions relating to Gramdan lands also, new clauses 25 and 26 have been inserted for vesting in, and the management of the Gramdan lands by the Sarvodaya Panchayat. New clause 27 has been added empowering the State Board to make regulations for the conduct of business. Provision has also been made for placing copies of the rules and notifications issued under this Act on the table of both the Houses.

Sir, I now move that the Bill, as passed by the Legislative Assembly, be taken into consideration.

MR. CHAIRMAN : Motion moved—

"That the Madras Bhoodan Yagna Bill, 1957 (L.A. Bill No. 15 of 1957), as passed by the Legislative Assembly, be taken into consideration."

The motion is before the House for discussion.

SRI K. BALASUBRAMANYA AYYAR : Mr. Chairman, Sir, I welcomed this Bill when it was introduced. I do so again. One of the chief alterations made by the Joint Select Committee is about Gramdan lands. Now, Gramdan donations have also been included. The definition of 'Gramdan land' has also been given. There was some discussion and expression of opinion. I was very much interested that, in respect of Bhoodan, the whole Board should be autonomous and self-contained. But I think it is not possible for all time to come. So long as Shri Acharya Vinobha Bhave is there, the Board will be constituted on his advice. But afterwards, the whole thing will have to be done by the State Government. Except for this, the other changes are all minor changes in the Bill. Therefore, I think that this Bill may be passed subject to amendments that may be moved.

* DR. V. K. JOHN : Mr. Chairman, Sir, while I approve very heartily of the object behind this Bill, I am sorry to say that this Bill as drafted has gone into unnecessary details and has lost flexibility which should be there in a Bill like this. The object of this Bill is to incorporate a Board under the name 'The Madras State Bhoodan Yagna Board.' Now, we must incorporate that under clause 3 which provides for incorporation. Sub-clause (2) of clause 3 says—

'The State Board shall be a body corporate having perpetual succession and a common seal with power to enter into contracts and to acquire, hold, administer and transfer property, movable or immovable, and shall, by the said name, sue and be sued.'

Now, the primary object of this legislation was to incorporate a Board which would hold property and which would have permanent succession. Now, we have gone into many details after incorporation. They could have provided three or four clauses and left everything to grow. Every piece of legislation should have two characteristics. One is certainty and the other is flexibility. This movement, as everybody knows, has been started by the greatest saint alive in the world perhaps. Everybody approves of what he is doing. He is trying to change the heart of man in this country. He is actually propagating the ideology of 'Love thy neighbour as thyself'. He is preaching the cult of equality and fraternity. Now, this movement is in its infancy. We do not know how it will develop. Many difficulties may be met with when it develops. Therefore, in this Bill there should be more flexibility than certainty. Now, we need have only provided for incorporation of a State Board and for vesting of all properties, movable and immovable, in it. Provision should also be made for exemption from stamp duty and registration. Provision should also be made that the constitution, powers, functions and duties of this Board shall be prescribed by rules framed by the Government from time to time. It would have been sufficient if provision had been made empowering the Government to make rules. Now, the Government have gone into details in clause 28. I do not see any reason why they should have done so at all. We must

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know how it develops. So, once the Board is to be incorporated, it would have been sufficient if provision had been made to make rules for its constitution, etc. Then, the Board would decide how the properties which are the subject-matter of Bhoodan should be administered. Now, it ought to have been left to the Board to do that. Clause 11 says—

"All lands donated for purposes of the Bhoodan Yagna whether before or after the commencement of this Act shall subject to the provisions of sections 16, 17 and 20 vest in the State Board."

I do not know why "subject to the provisions of sections . . ." should have been provided in respect of all properties. The subject-matter of Bhoodan should vest in the Board. It should have been left to the Board to deal with it. The Board is constituted on the recommendation of, not in consultation with, that great saint who is still alive with us. Are we not bound to follow his directions? Now, the Board ought to have been constituted and then the Board should decide from time to time what it should do and it should deal with these properties, movable and immovable. If it is a village, it will see how it should be developed. We could have given all these functions to the State Board. It may deal with the properties in a particular manner in the beginning and may change it in the light of experience. It is, therefore, not for us to say what the Board should do. We ought not to have tried to define the jurisdiction or the functions of the Board. We should have constituted it as recommended by the great saint and we should have allowed it to do everything necessary to deal with its properties, movable or immovable. Of course, we should provide for exemption from stamp duty and we should provide for the powers and functions of the Board which will be exercised from time to time.

3-50 p.m.

In clause 3 (1) of the Bill, it is provided, "The duty of carrying out the provisions of this Act shall, subject to the restrictions, conditions and limitations therein contained, be vested in a Board to be called 'The Madras State Bhoodan Yagna Board'". Now, the Government have taken particular care to say that the Board must function subject to the restrictions, conditions and limitations contained in the Bill. I do not know why that draftsman has said, "The duty of carrying out the provisions of this Act shall, subject to the restrictions, conditions and limitations therein contained, be vested in a Board".

Now, look at the provisions. Is there provision for the term of office of the Board? Is there provision for its functions? Is there provision for the conditions and limitations of the Board? The provisions of the Bill are to be carried out by various authorities and particularly by the Government. The provisions of the Bill themselves say who is to carry out certain functions. It is a very bad draft and I personally think that it has been drafted by some "Pundit" who is fond of going into details. He could

have simply stated "Incorporate the Board" and given it perpetual succession. We incorporate a company under the Companies Act. Then, it gets perpetual succession. It would have been sufficient, as I said earlier, if the Board had been constituted. We should leave it to the Board to make by-laws. Then, a few clauses would have been of great service to develop this Bhoodan movement instead of winding it up with so many rules and restrictions spread over 28 clauses.

As a matter of fact, the Bhoodan movement itself has been altered from time to time. Sri Acharya Vinobha Bhave is more concerned to-day with the villages than with the bits of land he was concentrating upon. Now, this movement is bound to develop and when it develops, it will take a particular course. Therefore, when we pas an enactment on a subject like this, we must give plenty of scope for development. That is known as flexibility. Now, this Bill with all its details does not give that flexibility which a movement like this requires. I am, therefore, of the opinion that the Government should again go into this matter and see whether flexibility is lost and whether the movement cannot develop. If this is lost, then they must amend the Bill. Of course, I know that they are not going to do it. I am only suggesting to them, as a student of law, that they must provide in a matter like this more flexibility than certainty and that there must be only a few clauses. Therefore, if they had simply constituted the Board and left to it to carry out its functions in the best manner according to its opinion, it would develop. I am quite sure that this legislation will hinder the movement which all of us want to develop. I am also not quite sure whether this movement which is based on such high principles of selfless service, love of others, fraternity and equality, will develop very quickly within our country. Nevertheless, everyone of us must give our support to the movement which has been initiated by a great saint. Whatever we can do, we must do for the development of this movement. Although the conditions, restrictions and controls vested in the Government may hinder the development of this movement, I would request the Government to consider the effect of this Bill from time to time very seriously and to repeal the restrictions which hinder it.

4 p.m. * SRI A. M. ALLAPICHAI: Mr. Chairman, Sir, the Deputy Leader of the Opposition has very correctly said that Vinobhaji is perhaps the greatest living saint to-day, not in our country alone, but, I think, in the whole world. Vinobhaji is one of the greatest disciples of our Leader, Gandhiji. Some time back, before Vinobhaji started this movement, it was thought by a certain section of the people in the world that man was essentially a greedy person and that good feeling would not touch him. That was the feeling then. That is why a certain philosophy was based on class hatred. This philosphy said, "There cannot exxist any love between certain classes; one class is the born enemy of the other class". This philosophy had its course in some countries of the world.

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There were bloodshed, violence, confusion and chaos. Whatever that may be, Sri Vinobha Bhave knew and knows human nature much better than philosophers belonging to that type of thought. He came forward and said that man was essentially good. He said that, in spite of man's weakness, he had essentially very good qualities. Therefore, Vinobhaji took up this principle, went from place to place, and appealed to the people in the way in which the people should be appealed to. He toured all over our place. What is the result? The result is tremendous. Lakhs and lakhs of acres of land have been donated by our people quite willingly without any pressure from any Government whatsoever. As a matter of fact, much of heat was generated in this House and in the other House regarding the imposition of the agricultural income-tax. On the other hand, we see how Vinobhaji has appealed to the people and also the result of his appeal. Even the most reactionary set of people have been converted to his way of thinking, and they have donated enormous extents of lands. Sir, as I have already pointed out, he has actually converted very many people belonging to the other school of thought, namely, those who believe in violence. I make no exaggeration here. I feel that certain changes in the intellectual outlook which we see for the last one or two years in other countries of the world, are entirely due to the great movement of this saint, perhaps the greatest saint of the world. The whole movement was undertaken by a great saint in his individual capacity. This is more or less a private endeavour. Without any help from any Government and without any sanction of any Government, it was almost a private endeavour of a very great individual. It is because of its nature that it has met with such a great success. In matters like this, the Government should have as little share as possible. No doubt, I quite see that the whole thing would be managed nicely. If we entrust thousands and thousands of acres of land to unscrupulous people without any control, there is the likelihood of things going wrong. This should no doubt be checked. The Government should exercise as little influence or as little power as possible upon the Board and the members of the Board. As far as possible, it must be treated as an autonomous body. However, the Government should have certain powers of supervision. Otherwise, it will lose all its significance. When once the people begin to think that it is, after all, a thing of the Government, they will lose all interest. I do not want our people to lose interest. Whatever we have achieved by this movement is no doubt good. But we should not stop here. We should see that more lands come under this Board. This can take place only if the people know that this Board is an independent body. The Government must no doubt have some powers of supervision. Except this they should not have much to do with the Board. The Board must be something like the Wakf Board. It may be something like the University. If the people are made to feel that it is, after all, a Government affair, they will look with some suspicion, and they will not take much interest. It is a fact. To-day it is the Congress Government. To-morrow it may be another Government.

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DR. V. K. JOHN : This feeling has developed after having had national Government for the last so many years.

* SRI A. M. ALLAPICHAI : Whatever may be the nature of the Government, they should not have much to do with this Board. Even if the Gods were to run the Government, still there will be criticism of the Government. I am not afraid of criticism, because there must be criticism. Without criticisms, Government will die. Therefore, I say, as far as this matter is concerned, the Government must have very little powers over this Board. Thank you, Sir.

* SRI P. S. KRISHNASWAMY AYYANGAR : Sir, this is a wholesome piece of legislation. As the Hon. Minister has said, careful attention has been paid to every provision in this Bill. But two points seem to have been omitted here. The provisions of the Bill give the impression that the subject of the gift can be only agricultural land. Land has not been defined in this legislation at all. Land which will be the subject of gift has not been defined at all. Land which is the subject of gift may be agricultural land, may be non-agricultural land, or may be house property also. The purpose for which the gift is to be made is given here. The gift may be for purposes of cultivation or for community purposes. When the gift is intended for community purposes, the property gifted will vest in the Government. If such properties are house properties, they will be held for the benefit of the entire community of the village. A house property cannot be properly called ' land '. Every provision makes some mention of land alone. Therefore, land should have been defined here, but that has not been done. This is one lacuna.

Again, in regard to the land assigned to political sufferers, there is difficulty. Suppose the land has remained waste before the assignment. Then, if the land has not been brought under cultivation within three years of the assignment, it cannot be the subject of donation at all. The provision in the Bill gives this impression. If a particular land has been assigned to a political sufferer, if that land has remained waste before the assignment, and if he has not brought the land under cultivation within three years of the assignment, that land can never be received for Bhoodan purposes. The provision in the Bill gives us this impression. Clause 16 of the Bill says that no gift of land assigned to a political sufferer will be accepted if, within three years of the assignment, he has not brought it under cultivation. Suppose he has not brought the land under cultivation for two or three years and later on begins
4-10 p.m. to cultivate it. Suppose also, after he has cultivated it for two or three years, he takes it into his head to gift it away for Bhoodan purposes. Can that be accepted or not? It cannot be accepted. That is the impression that this provision gives. The Bill requires amendment in this respect also.

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* THE HON. SRI M. BHAKTAVATSALAM : Mr. Chairman, it is no doubt unfortunate that the hon. the Deputy Leader of the Opposition and other lawyer Members of this House were not also on the Joint Select Committee. I did see that the hon. the Deputy Leader of the Opposition took a very keen interest in the deliberations of the other Joint Select Committee—the one on the Prohibition Bill. But anyhow, the hon. Member Mr. Balasubramanya Ayyar was on the Joint Select Committee on this Bill and he took very keen interest in going through the various provisions of the Bill. I agree that a statute must be elastic. That was one maxim which was enunciated by many lawyer Members here. But a statute must also be specific and particularly one relating to land. One could easily anticipate any amount of litigation regarding questions relating to land that is offered as Bhoodan. Therefore these provisions have to be made as clear as possible. Those who are very closely associated with the leader of this movement were asked to make suggestions regarding this measure. They took considerable time and finally they sent us a draft outline. We also got copies of statutes in other States on this subject, went into all those Acts and prepared a draft Bill. The draft was sent to those who had been closely associated with this movement. We took into account the various suggestions made by them and I may again tell the hon. the Deputy Leader of the Opposition that the closest associates of Vinobhaji are now quite satisfied with the provisions of this Bill.

Reference was made by the hon. the Deputy Leader of the Opposition to the provision in the Bill relating to the constitution of the Board. It was said that it was not right that Government should constitute the Board in consultation with Vinobhaji. I do not think it is right to burden that great leader with every act relating to the constitution of the Board. It is not practicable to expect that he would personally apply his mind in the matter of the constitution of the Board. Provision has, therefore, been made that the Government will constitute the Board. But they will do so in consultation with Vinobhaji.

The hon. Member, Mr. Krishnaswamy Ayyangar, I have seen, was taking considerable interest in scrutinizing Bills like this when he was in the other House. It was rather unfortunate that neither he nor the Deputy Chairman could be on the Joint Select Committee. Regarding the clause referred to by the hon. Member, I mean clause 16 of the Bill, I see that it is not exhaustive. It mentions a few cases only. Let me make it clear that in the case of land which is absolutely one's own, there is no difficulty in the matter of donation. In the case of a political sufferer who has got absolute ownership of the land under the terms of grant of land to political sufferers, there is no difficulty. If no specific mention is made of such instances, I do not think that will create any difficulty in the matter of donation of land.

With these words, I commend the motion to the House for its acceptance.

MR. CHAIRMAN : The question is—

'That the Madras Bhoodan Yagna Bill, 1957 (L.A. Bill No. 15 of 1957), as passed by the Legislative Assembly, be taken into consideration.'

The motion was put and carried and the Bill was taken into consideration.

MR. CHAIRMAN : The hon. Member Mr. Krishnaswamy Ayyangar has given notice of several amendments. Is he moving them all?

* SRI P. S. KRISHNASWAMY AYYANGAR : I would just point out how the necessity for the amendments arises. If they are not acceptable to the Government, I shall not press them. If even at the outset, they say that they will accept them, in that case also I shall not dilate on them.

* THE HON. SRI M. BHAKTAVATSALAM : Sir, regarding amendment No. 19 given notice of by the hon. Member, the mistake has occurred in the copy of the Bill circulated here and that has been corrected. In the Bill placed before the other House, there was no such mistake.

Regarding amendments Nos. 18 and 20, I would like to point out that the fourth amendment under 18 is to clause 16 (2) which relates to land governed by the Malabar Tenancy Act. Perhaps, the hon. Member thinks that Malabar having gone out of Madras, there is no necessity for this provision. Sir, the Malabar Tenancy Act is still in force in parts of the Nilgiris district. Therefore, this sub-clause should be there. Amendment No. 20 is only a consequential amendment and so, it is not necessary.

In other amendments, the hon. Member has made verbal suggestions. As regards certain other matters relating to the power of the State Board, I think they are all matters of policy which have been thoroughly discussed. With reference to amendment No. 10, I may say that it is the intention of the Government that the State Board should give its opinion regarding the sufficiency of excuse on the part of a member for failure to attend its meetings and not the Government. The Deputy Chairman very rightly pointed out that the Government should not take such powers and that the Board should be given as much autonomy as possible. In fact, the State Board will have sufficient autonomy and the Government will give necessary help and guidance; wherever there is any difficulty, they will step in to remove that. Therefore, it is a
4-20 p.m. question of policy. It has been thoroughly discussed and it is not possible to accept the amendment.

Then, again, in regard to amendment No. 12, originally the words 'if he is available for consultation' were used in the Bill. The Joint Select Committee deliberately deleted those words. The inclusion of the words 'if possible' suggested in the amendment

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would mean the same thing. I do not think that it will be right to include these words when the Joint Select Committee very rightly deleted those words. Therefore, I think the amendment need not be accepted.

With regard to amendment No. 4, the additional definition is not necessary since 'prescribed' means prescribed by rules. We considered this also in the Joint Select Committee.

Besides these things, Sir, the other amendments relate to verbal suggestions for changes. Perhaps, the suggestions could or could not be accepted. But I think, even without those amendments, the provisions read quite all right. Therefore, may I suggest to the hon. Member not to press the amendments for the reasons pointed out by me?

MR. CHAIRMAN : Is the hon. Member moving his amendments?

* SRI P. S. KRISHNASWAMY AYYANGAR : With a word of explanation, I shall withdraw the amendments. I will deal with some of the amendments I have given notice of.

MR. CHAIRMAN : If the hon. Member wants to speak on any of his amendments, he must move them and get them seconded. Otherwise, he cannot speak on them.

Clause 2.

MR. CHAIRMAN : The motion is—

'That clause 2 do stand part of the Bill'.

* SRI P. S. KRISHNASWAMY AYYANGAR : I move the following amendment :—

'In clause 2, *for* the existing sub-clause (*e*), *substitute* the following, namely :—

"(*e*) 'Gramdan village' means any revenue village or part thereof which is declared by the Government by notification to be a 'Gramdan village' and the lands in which amounting to not less than half the total extent of the lands thereof have been donated by their owners who should form not less than two-thirds of the number of persons owning lands in that revenue village or part thereof, such donated lands forming also all the lands owned by the donars in that revenue village or part thereof." '

The amendment was duly seconded.

* SRI P. S. KRISHNASWAMY AYYANGAR : Sub-clause (*e*) of clause 2 gives the definition of 'Gramdan village'. It includes within its scope an entire revenue village or a part thereof. Therefore, whenever we want to refer to the Gramdan village and when we want to specify a particular portion, we should either say 'the village' or 'part of the village'. But, if we use the expression 'that village' or 'the village' alone, it will indicate only the entire revenue village and not a part thereof. The expression used in the last but one line of the sub-clause is 'that village'. 'That village'

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will simply indicate the revenue village and not a part thereof. On the other hand, the correct expression that should be used is 'that village or part thereof'.

Then, Sir, the definition seems to point out that the donor should be a resident of that village wherein the lands donated are situate. It is not quite clear whether he should be a resident or a non-resident. If he should be a resident of the village, in some cases Gramdan cannot be got at all. A man residing outside the village wherein the lands are situate may like to donate or gift away the lands for Gramdan purposes. If persons residing outside the village are not eligible for making grants or making gifts, then a lot of lands cannot be got for the Gramdan or Bhoodan movement. It should be made clear whether the donor should be a resident of the village or may reside outside the village. My amendment makes it clear that he need not be a resident of the village wherein the lands are situate. Then, again, there is redundancy. 'Total' will give the meaning 'aggregate'. The expression used is 'the total extent of lands amount to so much in the aggregate'. The redundancy should be avoided, in legislation. Repetition is sometimes tolerable but redundancy should be avoided. "Total' means 'aggregate' and the expression 'in the aggregate' is used later on. This is not necessary. Again, the definition is loosely worded. It says, "'Gramdan village' means any revenue village or part thereof in which . . ." The clause starting from 'in which . . .' is an adjectival clause qualifying 'village'. Later, instead of a clause of the same kind, i.e., instead of an adjectival clause, the phrase 'declared by the Government' is used. The words 'which is declared' should be used; but even if you put in such a clause, it will not fit in there. So it is to avoid all the defects that I have pointed out that I have suggested my amendments.

Sir, it is for these reasons that I have moved my amendment to the definition of 'Gramdan village'.

* THE HON. SRI M. BHAKTAVATSALAM : Sir, once again I express my appreciation of the deep study made by the hon. Member of the various provisions of the Bill. (Dr. V. K. John stood up in his place.) If the hon. the Deputy Leader of the Opposition wants to speak, he can do so.

* DR. V. K. JOHN : Sir, while I appreciate very much the sincerity and the enthusiasm with which these amendments are moved by hon. Members, may I point out one or two things which prevent anybody from moving amendments? First of all, no amendment is accepted generally for want of time.

THE HON. SRI M. BHAKTAVATSALAM : No, not necessarily so. There the other House is sitting.

* DR. V. K. JOHN : Secondly, the amendments are not acceptable. That is why the Opposition do not bring in amendments at all in this House.

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THE HON. SRI M. BHAKTAVATSALAM : It is not so. The hon. Member Sri K. Balasubramanya Ayyar never fails to bring in amendments.

* DR. V. K. JOHN : Another reason is almost every year or within a year of the passing of an Act by the Legislature, the Government bring in amendments. Therefore, the hon. Member can expect that these amendments will be duly considered by the Government, particularly by the concerned department, and that Government will bring in amendments next year or in the course of the next few months. Therefore, I would strongly suggest to the hon. Member that for the reasons advanced by me, it would be much better for him to have all these amendments withdrawn.

SRI K. BALASUBRAMANYA AYYAR : The point of the hon. Member Sri P. S. Krishnaswamy Ayyangar is one of language. He feels the expression used may give some trouble and, therefore, it should be amended as suggested by him. But the difficulty we have is this. The first condition must be fulfilled ' before the Government declare it by notification '. If you say ' declared by the Government by notification ', it may mean that the Government may declare even without the other thing happening, namely, donation of lands for Gramdan by the concerned persons. The difficulty I found was this. Before the Government notify, not less than two-thirds of the number of persons owning lands in that village should have donated all their lands. Otherwise, the Government cannot notify that village. The other thing is the use of the words ' total ' and ' in the aggregate '. There is a lot of difference between the two expressions ' total ' and ' the aggregate '. For purposes of calculation, there should be a donation of one half, in the aggregate, of the extent of lands in that village if that village is to be notified as a ' Gramdan village '. If the Government think that the amendment is not necessary and that it suggests only verbal changes, I have no objection.

* THE HON. SRI M. BHAKTAVATSALAM : As regards the expression, ' two-thirds of the number of persons owning lands ', the idea behind it is that they must be normal residents of the village and it is not a question of some non-residents donating the lands. Then in the case of Gramdan land, the entire village takes up cultivation and it is not a question of others joining it. Therefore, normally it is expected that all these people will be residents of the village. There may be a few non-residents but at least two-thirds of the number of persons owning lands in that village must have donated the lands and the lands so donated should not be less than one-half of the total extent of the lands in that village. That is the idea behind it. So, I would request the hon. Member Sri Krishnaswamy Ayyangar not to press his amendment. 4-30 p.m.

MR. CHAIRMAN : Is the hon. Member pressing his amendment?

* SRI P. S. KRISHNASWAMY AYYANGAR : I am not pressing my amendment.

The amendment was, by leave, withdrawn.

SRI P. S. KRISHNASWAMY AYYANGAR : Sir, I move the following amendments :—

'In sub-clause (*f*) after the word "or" and before the words "a owner" *insert* the word "is".'

'In sub-clause (*g*) after the word "owner" and before the word "includes" *insert* the words "in respect of any land" and after the word "interest" and before the words "in land" *insert* the word "such".'

'After sub-clause (*g*), *add* the following as new sub-clause (*gg*), namely :—

"(*gg*) 'prescribed' means prescribed by rules."'

'*For* the existing clause (*h*), *substitute* the following, namely :—

"(*h*) 'Sarvodaya Panchayat' in relation to a gramdan village means the Sarvodaya Panchayat constituted for that gramdan village; and."'

The amendments were duly seconded.

* SRI P. S. KRISHNASWAMY AYYANGAR : Sir, according to the definition in the Bill 'landless poor person' may mean a person who either is not a owner of land is not a owner of land whose annual income does not exceed Rs. 300. It will lead to an absurd result. To avoid such an absurdity, I suggest my amendment.

SRI K. BALASUBRAMANYA AYYAR : It is a question of punctuation. If a comma is put in after the word 'is', it will be all right.

* SRI P. S. KRISHNASWAMY AYYANGAR : The word 'either' is important and it should change its place.

* THE HON. SRI M. BHAKTAVATSALAM : As suggested by the hon. Member Sri Balasubramanya Ayyar, it is only a question of punctuation. If a comma is put in after the word 'is', it will be all right.

MR. CHAIRMAN : Is the hon. Member Sri Krishnaswamy Ayyangar withdrawing his other amendments?

* SRI P. S. KRISHNASWAMY AYYANGAR : Yes, Sir, I am withdrawing them.

The amendments were, by leave, withdrawn.

Clause 2 was put and carried.

Clauses 3, 4 and 5 were put and carried.

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Clause 6.

MR. CHAIRMAN : The motion is—

'That clause 6 do stand part of the Bill.'

* SRI P. S. KRISHNASWAMY AYYANGAR : Sir, I move the following amendment :—

'In item (*d*) of sub-clause (1) and in item (*a*) of sub-clause (2) of clause 6, *for* the words "sentenced" and "sentence" *substitute* respectively the words "convicted" and "conviction" and after the word "reversed" and before the word "or", *insert* the words "of the offence not having been pardoned".'

The amendment was duly seconded.

* SRI P. S. KRISHNASWAMY AYYANGAR : Sir, in this clause some disqualifications for membership are mentioned. One of them is that anybody, who has been sentenced in respect of an offence involving moral delinquency, is disqualified for being a member of the Board. Then, it says, at the same time, that if the sentence is quashed or reversed, that disqualification will be removed. There is a distinction between sentence and conviction. Even if the sentence is reversed and the conviction is retained, there is that blot or taint attaching to him. A mere reversal of a sentence will not be tantamount to the quashing of the conviction itself. For instance, a sentence of imprisonment may be converted into a sentence of fine but the conviction is not removed. Unless that conviction is quashed, he will still be subject to disqualification. That is why I want to substitute the words 'convicted' and 'conviction' for the words 'sentenced' and 'sentence'. Sometimes even if the conviction is not quashed, the Government may pardon the offence but still, as the clause now stands, he will be disqualified for being a member of the Board. That ought not to be so. Therefore, I want to add the words 'or the offence not having been pardoned' after the word 'reversed'.

THE HON. SRI M. BHAKTAVATSALAM : I would like the hon. Member to state whether there could be conviction without any sentence whatsoever?

* SRI P. S. KRISHNASWAMY AYYANGAR : Yes. For instance, in the case of juvenile offenders, even though they are convicted, no sentence is imposed on them. We can conceive of cases wherein there is conviction and yet there is no sentence.

SRI K. BALASUBRAMANYA AYYAR : They are not within the purview of this Bill. All minors do not come in to the picture.

* SRI P. S. KRISHNASWAMY AYYANGAR : Still we can conceive of cases where there will be conviction but no sentence.

SRI K. BALASUBRAMANYA AYYAR : Sir, there is some judicial difference between 'sentence' and 'conviction'. According to the Indian Penal Code, where a man is found guilty and sentenced to pay a fine or to imprisonment till the rising of the court, it is a sentence. But in the matter of Bhoodan such difficulties will not arise. Therefore, the amendment is not necessary.

THE HON. SRI M. BHAKTAVATSALAM : So, I would request the hon. Member not to press his amendment.

* SRI P. S. KRISHNASWAMY AYYANGAR : I withdraw my amendment.

The amendment was, by leave, withdrawn.
Clause 6 was put and carried.
Clause 7 was put and carried.

Clause 8.

MR. CHAIRMAN : The motion is—

'That clause 8 do stand part of the Bill'.

4-40 p.m. * SRI P. S. KRISHNASWAMY AYYANGAR : Sir, I move the following amendments :—

'In sub-clause (*i*) *for* the words "by order, remove the Chairman" *substitute* the words "by order in writing remove from his office the Chairman" and *for* the words "the Chairman or member" *substitute* the words "the Chairman or other member".'

'In item (*c*) of sub-clause (1) of clause 8, *for* the words "State Board" *substitute* the word "Government".'

'In proviso to sub-clause (2) of clause 8, *for* the words "during his term of office" *substitute* the words "during the period for which he was first elected to hold office".'

Sir, these are not material amendments. The Chairman is also a member of the Board. The clause says, 'The Chairman or any member'. The Chairman himself is a member and when another member is to be referred to, the expression 'any other member' will have to be used. That is not a material thing. But, all the same, we should hereafter be careful in drafting the provisions of law. It is only with that view that I have moved a number of amendments.

The amendments were duly seconded.

MR. CHAIRMAN : The question is—

'In sub-clause (i) *for* the words "by order, remove the Chairman" *substitute* the words "by order in writing remove from his office the Chairman" and *for* the words "the Chairman or member" *substitute* the words "the Chairman or other member".'

'In item (*c*) of sub-clause (1) of clause 8, *for* the words "State Board" *substitute* the word "Government".'

'In proviso to sub-clause (2) of clause 8, *for* the words "during his term of office" *substitute* the words "during the period for which he was first elected to hold office".'

The amendments were put and lost.
Clause 8 was put and carried.
Clause 9 was put and carried.

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Clause 10.

MR. CHAIRMAN : The motion is—

'That clause 10 do stand part of the Bill.'

* SRI P. S. KRISHNASWAMY AYYANGAR : Sir, I have the following amendments :—

'In item (c) of sub-clause (1) of clause 10 after the words "Shri Acharya Vinobha Bhave" and before the words "by notification' *insert* the words "if possible".'

'In sub-clause (3) *for* the words "as well as its Chairman" *substitute* the words "including its Chairman", and *for* the words "Chairman and the members newly appointed" *substitute* the words "Chairman and the other members newly appointed".'

'In sub-clause (4) after the words "in the notification" and before the words "or if" *insert* the word "aforesaid" and in item (a) of sub-clause (4), *for* the words "as well as" *substitute* the word "including".'

Sir, the clause speaks of 'members as well as the Chairman'. This expression will indicate that the Chairman is quite different from a member. If we say, 'Ladies as well as Lakshmi should be present at the function', it may indicate that Lakshmi is not a lady or one of the ladies. 'As well as' should not be introduced between words denoting 'objects' of the same genus.

MR. CHAIRMAN : These amendments refer to certain clauses. I am quoting the number of the amendment, and I am announcing the number of the clause. We are now in clause 10 and the relevant amendments are amendments Nos. 12, 13 and 14.

* SRI P. S. KRISHNASWAMY AYYANGAR : I am now talking on amendment No. 12. In sub-clause (1) provision is made for consultation with Vinobhaji. But Vinobhaji's advice may not be available for all time to come. Therefore, I want to have the expression 'if possible' added after the words 'Shri Acharya Vinobha Bhave'. I am suggesting this because man's span of life is limited and we cannot get Vinobhaji's advice for all time to come.

Then, for the expression 'as well as its Chairman' I want to have the expression 'including its Chairman' substituted. I gave an example of an expression 'Ladies as well as Lakshmi'. That expression would indicate that Lakshmi is not one of the ladies. It will mean that she is not a lady. Therefore, the proper expression there would be 'Ladies including Lakshmi' and not 'Ladies as well as Lakshmi'. That is why I have moved amendment No. 13 and the third amendment to this clause.

The amendments were duly seconded.

* THE HON. SRI M. BHAKTAVATSALAM : 'Chairman' means a particular person who holds the office of Chairman. It refers to the Chairman as such. Then there are other members also.

There should be no objection to accepting Mr. Krishnaswamy Ayyangar's amendment, but there is no need to change the expression. The existing expression could as well be there. Therefore, I request the hon. Member not to press his amendments.

The amendments were, by leave, withdrawn.

Clause 10 was put and carried.

Clause 11 was put and carried.

* SRI P. S. KRISHNASWAMY AYYANGAR : Sir, I do not move the amendments to clauses 12, 14, 15, 16, 17, 19 and 20 given notice of by me.

Clauses 12 to 22 were separately put and carried.

Clause 23.

MR. CHAIRMAN : The motion is—

'That clause 23 do stand part of the Bill.'

* SRI P. S. KRISHNASWAMY AYYANGAR : Sir, I move the following amendment :—

'In the proviso to clause 23 *for* the words "the decision of such court" *substitute* the words "the final decision of a competent court".'

Here, Sir, the decision of a court is sought to be made final. Suppose some proceedings are instituted in a court. The provision in the Bill says that the decision of that court shall be final but there may be an appeal against the decision of that court. If there is such an appeal and if there is a decision given contrary to the decision given by the lower court, even then, according to the provision made, the lower court's decision would prevail. That is not correct. To avoid this trouble, I have suggested that for the words "the decision of such court" the words "the final decision of a competent court" may be substituted. If there is no appeal, the decision of the first court would be final. But if there is an appeal, the decision of the appellate court would be final. 'The decision of such court' will only refer to the decision of the court in which the proceedings are instituted. But the proceedings may go beyond the stage of the court wherein they are instituted and the appellate court may have to consider the matter. Therefore, the decision which will have effect finally will be the decision of the appellate court. To bring out that object, clearly, I have suggested the amendment.

The amendment was duly seconded.

SRI K. BALASUBRAMANYA AYYAR : Sir, the expression used is not 'shall be final' or 'shall not be subject to revision'. Ordinarily there may be appeals. But in this particular matter of Bhoodan, such things may not arise.

* SRI P. S. KRISHNASWAMY AYYANGAR : There is some provision made for institution of suits in Civil Courts. With reference to that, I say that.

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THE HON. SRI M. BHAKTAVATSALAM : I submit that this amendment is not necessary.

The amendment was, by leave, withdrawn.

Clause 23 was put and carried.

Clauses 24 to 26 were put and carried.

Clause 27.

MR. CHAIRMAN : The motion is—

'That clause 27 do stand part of the Bill'.

* SRI P. S. KRISHNASWAMY AYYANGAR : Sir, I move the following amendments :—

'In item (*g*) of sub-clause (2) of clause 27, *for* the words "by it" *substitute* the words "by the Sarvodaya Panchayat".'

'In item (*k*) of sub-clause (2), *omit* the word "for".'

Sir, clause 27 is self-contained and it should be rightly self-contained. Whenever we have got to ascertain what a particular word refers to, we should have the answer in that particular item itself. This condition is satisfied by all other items in the sub-clause than item (*g*). In item (*g*) alone the word 'it' has been used. To just find out what 'it' refers to, we have got to go to the preceding item. 'It' refers to the Sarvodaya Panchayat. The expression 'Sarvodaya Panchayat' is used in the preceding item as well as in all the other items where the Sarvodaya Panchayat has to be referred to. But in item (*g*) alone the word 'it' is used. For that, I want to have the words 'Sarvodaya Panchayat' substituted.

Then, in the last item, item (*k*), the word 'for' is used. The word 'for' is used at the beginning of the sub-clause which says 'may provide for'. Therefore, the word 'for' in item (*k*) is a repetition. It is not warranted. That may easily be accepted by anybody. It may be a printer's devil.

The amendments were duly seconded.

THE HON. SRI M. BHAKTAVATSALAM : The word 'for' in item (*k*) is a printer's devil. It is not there in the original.

As regards item (*g*), even if the words 'Sarvodaya Panchayat' are not substituted there, it would be all right. The expression 'by it' would be all right. Therefore, that amendment is not necessary.

The amendments were, by leave, withdrawn.

Clause 27 was put and carried.

Clause 28 was put and carried.

Clause 1 and the Preamble were put and carried.

4-50 p.m. THE HON. SRI M. BHAKTAVATSALAM : Sir, I beg to move—

'That the Madras Bhoodan Yagna Bill, 1957 (L.A. Bill No. 15 of 1957), as passed by the Legislative Assembly, be passed.'

MR. CHAIRMAN : Motion moved—

'That the Madras Bhoodan Yagna Bill, 1957 (L.A. Bill No. 15 of 1957), as passed by the Legislative Assembly, be passed.'

The motion is now before the House for consideration.

* DR. V. K. JOHN : Mr. Chairman, Sir, I hope that everyone of us will give his support and blessings to this great movement. But I have only got up to request the Government to keep us informed from time to time of the progress of the Bhoodan movement in this State.

* SRI A. M. ALLAPICHAI : In giving my support to this movement, I would appeal, Sir, that in the appointment of members of the Board (if there is nothing objectionable), the Legislature also should have representation on it.

* SRI T. PURUSHOTHAM : In associating myself with the fine sentiments expressed by the hon. the Deputy Leader of the Opposition, I should like to point out one matter. I am not for pressing representation of the Legislature on the State Board proposed herein. But when the District Local Committees are constituted, I would request that among its members, there should be a fair representation of the donors of the lands. No specific mention is made about it in this Bill. Under the rule-making powers, I think, it will be well to provide for a fair representation of the donors of the lands on the District Local Committees. Sir, with these few words, I give my support to this measure.

SRI K. BALASUBRAMANYA AYYAR : Before this Bill is passed, I would like to refer to two points. One is this. Jealous as I am of the representation of this House in every matter, I think that in the spirit of Bhoodan, it will be best that we are not on the Board. We should be a body separate from it. We should be there only to offer suggestions or comments. As the Deputy Leader of the Opposition said, let us have reports of the progress of this movement and let us be free to make comments on them.

The other point is that no donor should be included in the Board. If a donor is included, then it means that he is not a real donor. He should not be interested in the management of the properties of the Board. If he is there, it means that he is interested and that he wants to have influence and power in

the management of the properties. But in the spirit of the movement started by the great saint, let us respect his words and let us have nothing to do with it. After all, the State is ours. We are entrusting it to the State which will manage the properties in consultation with Sri Acharya Vinobha Bhave so long as he is alive. I wish he lives long.

* THE HON. SRI M. BHAKTAVATSALAM : Mr. Chairman, Sir, I am indeed very much obliged to the hon. Members for the welcome support they have given throughout to this important legislative measure. The hon. the Deputy Leader of the Opposition said that the Government should present to this House reports of the progress in regard to this movement now and then. I would suggest to him that hon. Members might also continue to take sustained interest in this matter. I would invite hon. Members to put questions on this and the Government would gather all necessary information. The Government have been very closely watching the progress of the movement. The Government would be extending all possible help in furtherance of this movement and, therefore, I do hope that the hon. Members will continue to take a lively interest in this movement for its success.

DR. V. K. JOHN : I suggest that a paragraph on the Bhoodan Movement be included in the Governor's Address.

* THE HON. SRI M. BHAKTAVATSALAM : I do not think that it is necessary or fundamentally wrong. But to include it in the Governor's Address will look as if it were part and parcel of the administration of the Government. Now, Sir, I can assure the hon. Member that the Government would continue to take a sustained, lively interest in the progress of the movement. I entirely agree with the hon. Member Sri Balasubramanya Ayyar that the Legislature should not be represented on the Board. There is no question of representation of the Legislature either on the State Board or on the Local Committee. The State Board will be constituted in consultation with Shri Acharya Vinobha Bhave and it is under the supervision of the State Board that the Local Committee should be constituted.

Sir, this measure has been on the anvil for a pretty long time. 5 p.m. The active sponsors of the movement and the active workers of the movement have been asking for a legislative measure like this for a very long time. A Bill was drafted originally on the Bhoodan basis, but again a suggestion was made that we might incorporate some provisions about gramdan, because particularly in this State a large number of villages had been given as gramdan. Government have already taken up the question of giving aid, and they have set apart Rs. 20 lakhs as loan. They have also decided that these villages should be treated as National Extension or Community Development villages. Therefore, in consultation with Vinobhaji, a provision relating to gramdan has been added to this Bill. I do believe that in course of time, we

might have to come to the Legislature again for a detailed measure relating to gramdan. Anyhow, I do hope that, with the passing of this measure with all the enthusiastic support of hon. Members in this House and in the other House, a new fillip would be given to this movement, and that we would be making considerable progress by way of making this movement a great success.

MR. CHAIRMAN : The question is—

'That the Madras Bhoodan Yagna Bill, 1957 (L.A. Bill No. 15 of 1957), as passed by the Legislative Assembly, be passed.'

The motion was put and carried and the Bill was passed.

(Deputy Chairman in the Chair.)

(3) THE MADRAS MATERNITY BENEFIT (AMENDMENT) BILL, 1958 (L.C. BILL NO. 1 OF 1958).

* THE HON. SRI R. VENKATARAMAN : Sir, I move—

'That the Madras Maternity Benefit (Amendment) Bill [a], 1958 (L.C. Bill No. 1 of 1958), be taken into consideration.'

The Madras Maternity Benefit Act of 1934 regulates the grant of maternity benefits to women workers in factories. Maternity benefit is paid at the rate of 8 annas per day for the actual days of absence immediately preceding and following the confinement, subject to a maximum period of seven weeks. Separate provisions for maternity benefits for plantation women workers are made in the Madras Plantation Labour Rules.

The question of providing maternity benefits on a uniform scale throughout India and enacting special legislation for the purpose was discussed by a Committee of the Indian Labour Conference in January 1954. It was suggested that the Government of India might draw up minimum standards of maternity benefits and recommend them to the State Government for adoption either by enacting fresh legislation or by suitably amending the existing laws to the extent necessary. The above suggestion was accepted by the Government of India. Accordingly, draft model minimum standards for maternity benefits were drawn up. The model standards were finalised after obtaining the opinion of the State Governments. The Government of India have suggested that the above recommendations may be implemented either by enacting fresh legislation or by suitably amending the existing Act.

After careful consideration of the model standards, Government have decided to amend the existing Act on the lines of the recommendations in the model standards. Hence, the Bill to amend the Madras Maternity Benefit Act, 1934, is before the House.

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